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March 4, 2014

By ECF

Hon. Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Silva v. Cofresi, 13 Civ. 3200 (CM) (JCF)

Dear Judge McMahon:

We are co-counsel for plaintiff Julian Silva in the above-referenced matter and hereby request a pre-motion discovery conference in accordance with Local Rule 37.2, for the reasons briefly set forth below.

On October 25, 2013, Plaintiff served a set of discovery requests, including a Request for Admissions, Interrogatories, and Second Request for Production of Documents, upon Defendant's former counsel, Michael Steger, Esq. Defendant was to provide a response by December 6, 2013, in accordance with the parties' agreement.

On December 5, 2013, Defendant's former counsel Mr. Steger attempted to contact Defendant, presumably in connection with the responses which were due the next day. See ECF 23-1. Prior counsel was apparently informed by a member of Defendant's family that his representation was terminated. On December 10, 2013, Plaintiff, through counsel, sent an email to Mr. Steger, noting that the December 6 date had passed, and responses were now overdue. The following day, on December 11, Mr. Steger spoke to Defendant again, and confirmed that he was terminated as counsel. See ECF 23-1. On December 12, 2013, Mr. Steger filed an application to be relieved as counsel, noting that defendant had been apprised of all outstanding deadlines. Mr. Steger requested a stay on the same date. On December 16, 2013, this court entered the requested stay for a period of 60 days.

On February 18, 2014, Defendant's new counsel entered an appearance. Despite repeated attempts to obtain the discovery, which was due prior to the stay and is now overdue by several months, Defendant's counsel has not provided any responses, nor indicated when such responses might be forthcoming. Defendant's new counsel claims that Defendant does not have the overdue discovery demands, and will likely place the blame for non-compliance entirely on former counsel (copies of the demands have been forwarded by the undersigned to new counsel for

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Defendant). As such, Plaintiffs request that Mr. Steger be invited or required to participate in the conference.

For the reasons set forth above, Plaintiff therefore requests a pre-motion conference in accordance with Local Rule 37.2.

We thank this Honorable Court for its courtesy and consideration.

Respectfully,



Peter C. Dee
Mavronicolas Muller & Dee LLP

CC: Via ECF
Lowell B. Davis, attorney for Defendant

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Michael Steger, former attorney for Defendant